

Introduced by Senator Ashburn

February 22, 2005

Senate Constitutional Amendment No. 11— A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article VII thereof, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

SCA 11, as introduced, Ashburn. State employees: employer-employee relations.

Existing statutory law, the Ralph C. Dills Act, provides that if a memorandum of understanding between the state and a recognized employee organization has expired, and the Governor and the organization have not agreed to a new memorandum of understanding and have not reached an impasse in negotiations, the parties shall continue to give effect to the provisions of the expired memorandum of understanding, including, but not limited to, all provisions that supersede existing law, any arbitration provisions, any no-strike provisions, and other specified provisions. It provides that if the Governor and the recognized employee organization reach an impasse in negotiations for a new memorandum of understanding, the state employer may implement any or all of its last, best, and final offer, subject to specified conditions.

This measure would amend the California Constitution to provide that a memorandum of understanding between the state and a recognized employee organization entered into under the Ralph C. Dills Act shall expire no later than 36 months after its effective date. It would provide that, if a memorandum of understanding has expired, and until a new memorandum of understanding has been agreed to and taken effect, the parties shall continue to give effect to the provisions

of the expired memorandum of understanding. It would prohibit any modification of a memorandum of understanding that is subject to approval by the Legislature, including a memorandum of understanding that continues in effect after its expiration date, by any side letter, addendum, or otherwise unless that modification is specifically approved by the Legislature.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2005-06 Regular
3 Session commencing on the sixth day of December 2004,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California, that the
6 Constitution of the State be amended as follows:

7 That Section 12 is added to Article VII thereof, to read:

8 SEC. 12. (a) A memorandum of understanding between the
9 State and a recognized employee organization entered into
10 pursuant to the Ralph C. Dills Act, Chapter 10.3 (commencing
11 with Section 3512) of Division 4 of Title 1 of the Government
12 Code, or its successor, shall expire no later than 36 months after
13 its effective date.

14 (b) If a memorandum of understanding has expired, until a
15 new memorandum of understanding has been agreed to and taken
16 effect the parties shall continue to give effect to the provisions of
17 the expired memorandum of understanding.

18 (c) A memorandum of understanding that is subject to
19 approval by the Legislature, including a memorandum of
20 understanding that continues in effect after its expiration date as
21 provided in subdivision (b), shall not be modified by any side
22 letter, addendum, or otherwise unless that modification is
23 specifically approved by the Legislature.